REMARKS

Claim 22 is directed to the embodiment of the presently cancelled Claim 1 and corrects an inadvertent omission of the word "of" from the recitation "at least one of acrylonitrile and methacrylonitrile"- compare the original text.

The invention is directed to a molding composition that includes

A) 50 to 80 parts by weight (pbw) of poly(ester)carbonate,

B) 7 to 30 pbw of a mass polymerization-derived ABS having butadiene content of 11 to 14% and characterized in that the molecular weight of its grafted copolymer is 50,000 to 140,000,

C) 2 to 18 pbw of a halogen-free phosphorus compound,

and optional

D) fluorinated polyolefin,

E) acrylic polymer and

F) inorganic material of defined particle size.

The mechanical and physical properties of the composition were found to be critically dependent on the butadiene content of the included ABS.

Attention is directed to the properties tabulated in page 30 of the application where a direct comparison is enabled between Example "A" (a comparative example) and Example 1 representing the inventive composition. Except for the difference in their included ABS these compositions are identical in all respects. The ABS component of the comparative example contains 15% butadiene and the corresponding value characterizing the ABS of Example 1 is 13%.

The resistance to creep, stress cracking resistance and impact strength of the inventive composition are greater and its melt viscosity is lower than the comparative example, all surprisingly and unexpectedly dependent on the difference in the ABS component.

Further supporting patentability is declaratory evidence (Declaration by Dr. Seidel) showing the critical dependence of these properties on the chemistry of the included ABS. The evidence shows that ABS containing 13 and 11.5% butadiene respectively imports to the composition significantly better properties than does a corresponding ABS that contain 7% butadiene.

Claims 1-3 and 5-21 stand rejected under 35 U.S.C. 103(a) as obvious over U.S. Patent 6,117,542 (herein Nanba), in view of U.S. Patent 5,849,827 (Bodiger); U.S. Patent 6,355,767 (Tagaki); U.S. Patent 6,403,683 (Kobayashi); U.S. Patent 6,503,628 (Janarthanan); U.S. Patent 6,596,812 (Toyoshima) or U.S. Patent 6,613,824 (Campbell).

Nanba disclosed a composition that contains polycarbonate, ABS, fluororesin, and oligomeric phosphate flame retardant. The butadiene content of the referenced ABS ranges "from 5 to 65% by weight, preferably 10 to 60 by weight." (column 9, lines 64 et seq.)

Bodiger disclosed a flame retardant composition that contains polycarbonate and optional graft polymers of vinyl polymers on a rubber (A.2) - column 4, lines 18 et seq. and flame retardant and a finely divided inorganic powder. The rubber content of the graft polymer is 5 to 95 parts by weight.

Janarthanan disclosed a composition containing polycarbonate and ABS components having a wide range of butadiene contents of 5 to 20 wt %.

Toyoshima disclosed a moldable composition having good impact strength that contains polycarbonate and a rubber-reinforced resin. The rubber reinforced resin embraces ABS having rubber content of 10 to 70% (column 2, line 26).

Tagaki disclosed a composition containing polycarbonate and a graft copolymer resin having excellent mechanical strength. The graft is based on and contains 3 to 60 % by weight butadiene (column 8, line 49).

Kobayashi disclosed a composition having resistance to hydrolysis and flame retardancy containing ABS having butadiene content of 5 to 75% (column 6, line 26)

Campbell disclosed flame retardant compositions containing polycartbonate and rubber modified graft copolymer having butadiene content of 2 to 70 wt.% (column 8, line 44)

The significance of Examiner's pointing to the referenced "Rubber-reinforced resin A-3" - an ABS that contains10% butadiene - is not completely understood. Rubber-reinforced resin A-3 is an ABS resin having butadiene content of 10%, placing it outside the scope of the claimed invention. Example 4 wherein this ABS component is included contains also a polycarbonate resin (A-3) having molecular weight of 22,500. This component too is outside the scope of the claimed invention.

Examples 12-15 each containing "Rubber-reinforced resin A-3" and polycarbonate (A-3) are outside the scope of the presently claimed invention. Similar components make up the corresponding components of Comparative Examples 13 and 14. Since these compositions neither describe nor suggest the claimed invention Applicants are unclear as to the significance of their mention in the context of the present rejection.

Nanba disclosed ABS having butadiene content of 5 to 65 suitable in a composition containing polycarbonate, phosphate flame retardant and fluororesin characterized in terms of its flame retardance, luster and flow mark. On the other hand, the claimed composition features exceptional mechanical properties that depend on the content of butadiene (11-14%) in the included ABS. There is nothing in Nanba to describe or suggest the claimed composition.

Enclosed in response to the requirement for additional showing (paragraph 4 of the Office Action) is evidence demonstrating the significant difference in performance between a compound using 10% butadiene and one containing 11% butadiene. This evidence (Dr. Eckel's declaration) is believed to meet the requirement and places the application in condition for allowance.

Reconsideration of the application in light of the above, withdrawal of the rejection and an early indication of allowance are earnestly solicited.

Respectfully submitted,

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